

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

JENNIFER MOSCHETTI,

Plaintiff,

v.

OFFICE OF THE INSPECTOR

GENERAL, *et al.*,¹

Defendants.

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Civil Action No.: 3:22-cv-24-HEH

**CONSENT MOTION FOR EXTENSION OF TIME FOR
DEFENDANTS TO RESPOND TO PLAINTIFF’S AMENDED COMPLAINT**

Defendants Michael C. Westfall, Clark Mercer, and Brian Moran (collectively the “Defendants”), by and through their attorneys, and pursuant to Rule 15(a)(3) of the Federal Rules of Civil Procedure and Local Rule 7(F)(2), respectfully move this Court for entry of an Order extending the time for Defendants to file their response to the Amended Complaint filed by Jennifer Moschetti (“Plaintiff”) in this matter. The grounds for this request are as follows:

1. On May 9, 2022, Plaintiff filed a six count Amended Complaint, alleging that Defendants violated various federal and state laws in relation to Plaintiff’s former employment with the Office of the State Inspector General.

2. On May 20, 2022, Defendants filed a Motion to Dismiss Plaintiff’s Amended Complaint in its entirety.

3. On August 11, 2022, this Court issued its ruling on Defendants’ Motion to Dismiss, granting Defendants’ Motion in respect to three of Plaintiff’s claims, but allowing the remaining three claims to proceed in some form.

¹ By Order dated August 11, 2022, and for the reasons stated in the corresponding Memorandum Opinion issued on the same day, the Court dismissed the Commonwealth of Virginia, the Office of the Inspector General (“OSIG”), and Kate Hourin—OSIG’s Communication Director—as Defendants in this case. (See ECF Nos. 32 and 33.)

4. Pursuant to Federal Rule of Civil Procedure 12(a)(4)(A), Defendants' responsive pleadings are due on or before August 25, 2022.

5. On August 19, 2022, Defendants filed a Motion to Stay Plaintiff's case in its entirety pending the outcome of a parallel proceeding filed by Plaintiff that is currently pending in the Circuit Court for the City of Richmond.

6. On August 22, 2022, Counsel for Defendants conferred with Counsel for Plaintiff and confirmed Plaintiff's agreement to a twenty-one (21) day extension of Defendants' deadline to respond to Plaintiff's Amended Complaint until September 15, 2022.

7. This extension is sought to provide the parties and Court with adequate time to brief and address Defendants' Motion to Stay and to allow Defendants to account for the Court's ruling in their forthcoming responsive pleadings.

8. Defendants have not previously requested any extension of time to respond in this case.

9. Moreover, Plaintiff has consented to the requested extension and it does not otherwise prejudice her case.

WHEREFORE, for the reasons stated above, and with the consent of all parties, Defendants Michael C. Westfall, Clark Mercer, and Brian Moran respectfully request that the Court enter the proposed Order that accompanies this motion and provide Defendants until September 15, 2022 to file their response to Plaintiff's Amended Complaint.

Dated: August 23, 2022

Respectfully submitted,

**MICHAEL C. WESTFALL,
BRIAN MORAN, AND
CLARK MERCER**

/s/ Scott A. Siegner

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of August, 2022, I electronically filed the foregoing with the Clerk of this Court using the CM/ECF system, which will send notification of such filing to counsel for Plaintiff:

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